

ORIGINAL

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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FILE

In the Matter of

Request for Amendment of the  
Commission's Rules and Regulations  
Concerning Separations Between  
800 and 900 MHz Land Mobile Radio  
Systems in the Business and General  
Category Radio Service Pools

RM-8028

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To: Chief, Private Radio Bureau

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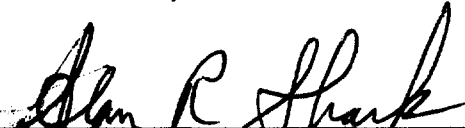
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

COMMENTS

Respectfully submitted,

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The American Mobile Telecommunications Association, Inc. ("AMTA" or "Association"), in accordance with Section 1.405 of the Federal Communications Commission ("FCC" or "Commission") Rules and Regulations, respectfully submits its Comments in the above-entitled proceeding.<sup>1/</sup> The Petition filed by the National Association of Business and Educational Radio, Inc. ("NABER") requests amendment of the FCC rules to require a 40/22 dBu rather than 40/30 dBu contour protection for Business and General Category 800 MHz and 900 MHz frequencies. Although AMTA fully concurs with the use of the criterion recommended, its support for the instant proposal is conditioned on the simultaneous adoption of the same standard for trunked SMR systems.

#### I. INTRODUCTION

AMTA is a nationwide, non-profit trade association dedicated to the interest of the SMR industry. The majority of the Association's members operate primarily trunked SMR systems throughout the country providing service to hundreds of thousands of customer units. Because the success of their efforts to serve that marketplace are largely dependent on being able to provide a high quality system at an acceptable price, the co-channel protection provided by the FCC rules is of critical importance.

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<sup>1/</sup> National Association of Business and Educational Radio, Inc., Petition for Rule Making, In the Matter of Request for Amendment of the Commission's Rules and Regulations Concerning Separations Between 800 and 900 MHz Land Mobile Radio Systems in the Business and General Category Radio Service Pools, RM-8028 (March 6, 1992) ("Petition").

AMTA has consistently urged the Commission to rely on a 40/22 dBu analysis as the standard for trunked SMR co-channel separation.<sup>2/</sup> The Association remains firmly convinced that such a criterion is the minimum needed to provide a proper level of service quality. However, given the FCC's apparent disinclination to abandon its reliance on 40/30 dBu analyses in support of SMR short-spaced waiver requests, adoption of the instant recommendations would perpetuate an inconsistency in 800 MHz and 900 MHz separation criteria which is not supported by technical or operational factors. Rather than acting on NABER's request independently, the Commission should establish consistent co-channel separation rules, irrespective of the radio service or technical configuration of the system involved. AMTA recommends that those rules use a 40/22 dBu standard as described in the Association's Petition for Reconsideration.

## II. DISCUSSION

In its Petition, NABER requests that the rules governing the assignment of 800 MHz and 900 MHz Business and General Category frequencies be modified to provide protection based on a 40/22 dBu standard. 47 C.F.R. §§90.621(c) and (d). The rules currently require coordinators of those frequencies to attempt to

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<sup>2/</sup> See, Report and Order, PR Docket No. 90-34, 68 RR2d 968 (1991). AMTA submitted a Petition for Reconsideration in this proceeding on September 23, 1991, asking, among other matters, that the 40/30 dBu waiver standard be replaced with the more conservative 40/22 dBu analysis ("Petition for Reconsideration").

provide a 40 dBu contour and to limit co-channel interference levels to 30 dBu over an applicant's requested service area, typically a 70-mile separation. Id. NABER notes that depletion of the SMR Pool has increased the number of Business and General Category frequencies being assigned for the expansion of loaded trunked SMR systems. NABER further notes that a growing number of those applicants request short-spacing based on a 40/30 dBu analysis, using the existing system's actual operating parameters.<sup>3/</sup> Because NABER believes the existing criterion to be inadequate for normal co-channel protection, and because trunked SMR systems frequently provide wider-area coverage than the typical independent Business licensee, NABER recommends that the FCC conform the Business and General Category interference standards to those adopted for SMRs in PR Docket No. 90-34.

AMTA would endorse that proposal fully had the FCC actually adopted a 40/22 dBu analysis for trunked SMR systems. Unfortunately, while the rules now include a co-channel separation Table predicated on that more protective standard, 47 C.F.R. 90.621 (b)(4), in that proceeding the FCC also retained a 40/30 dBu waiver standard for these systems.<sup>4/</sup> Few short-spaced applicants file in accordance with the separation standards in

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<sup>3/</sup> NABER apparently continues to assign frequencies based on a 70-mile separation criterion unless an applicant provides an engineering analysis demonstrating non-overlap of the stations' respective 40 and 30 dBu contours.

<sup>4/</sup> Report and Order, at footnote 44.

the Table. Most submit 40/30 dBu technical analyses which are routinely granted by the FCC.

Because the 40/30 dBu standard remains the de facto separation criterion for trunked SMR systems, adoption of the instant proposal would not reconcile the standard applied to SMR versus coordinated 800 MHz and 900 MHz frequencies. Rather, it would establish a more conservative protection criterion for non-SMR than for SMR frequencies, a result inconsistent with NABER's apparent intention and with NABER's recognition of the broader coverage typically associated with trunked SMR systems.

AMTA cannot support a proposal which will perpetuate the inconsistent treatment of technically fungible frequencies, and provide superior protection to non-SMR systems. Instead, AMTA urges the Commission to act on this request only in conjunction with adoption of the Association's recommendations in its Petition for Reconsideration in PR Docket No. 90-34. All 800 MHz and 900 MHz frequencies should receive a 40/22 dBu standard of protection. The Table referenced above should be applied to all applicants, not only those requesting SMR frequencies.<sup>5/</sup> Applicants which believe that they can demonstrate non-overlap of the contours at distances closer than those permitted under the Table would be free to request a waiver on that basis.

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<sup>5/</sup> NABER recommends, without explanation, that the FCC not create a short-spacing chart for coordinated frequencies and apparently would not have the FCC apply the existing Table to non-SMR spectrum. Petition, at FN 12. AMTA assumes that use of the Table would simplify and therefore accelerate the coordination process, and therefore encourages the FCC to consider this approach.

### III. CONCLUSION

Although AMTA agrees fully with NABER's assessment that the use of a 40/30 dBu contour analysis does not adequately protect co-channel 800 MHz and 900 MHz stations, the Association cannot support a proposal which seeks to correct that criterion only for Business and General Category Pool frequencies. The separation standards applicable to 800 MHz and 900 MHz systems, whether trunked or conventional, commercial or non-commercial must be reconciled so that the 40/22 contour protection sought by NABER is available to all licensees.

**CERTIFICATE OF SERVICE**

I, M.A. Spinks, a secretary in the law office of Lukas, McGowan, Nace & Gutierrez, hereby certify, that I have on this 12th day of August, 1992, placed copies of the foregoing Comments in United States mail, postage prepaid, to the following:

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